

## MAINE LEGISLATION

An Act to Implement the Recommendations of the Attorney General's  
Working Group Regarding Sentencing Factors for Crimes against Persons  
Who Are Homeless

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA § 1151, sub-§ 8, B,** as enacted by PL 1995, c. 149, §1, is amended to read:

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property.

## SUMMARY

This law implements the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. The law amends the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim that a court considers in determining the gravity of an offense in sentencing.

## MAINE'S CAMPAIGN TO END HATE VIOLENCE AGAINST HOMELESS PEOPLE

For over three years, Preble Street Homeless Voices for Justice (HVJ), a social change organization led by people who have first-hand experience of living in homelessness, has undertaken a campaign to publicly address the problem of hate violence against homeless people. We have had significant success in our long-term efforts to bring public attention and legislative action to the cause of better protecting homeless people from the plague of anti-homeless violence. We believe that our organizing may have already helped to reduce this violence in our state, and we hope that Maine can lead the way for all Americans to show that we will not accept hate violence against the homeless in our communities.

Our first success in the Maine Legislature, 2005's "An Act to Amend the Laws Governing Crimes Against Homeless People," mandated statewide training for local police on homelessness and homeless people's barriers to accessing the police. Our organization now regularly conducts this training at the State Police Academy and has trained or consulted on this training for local police departments. The 2005 law also required the Attorney General's Office to work with the police on better response to crimes against the homeless. We have participated actively in that work, and are awaiting the AG's report and recommendations to the Legislature on that issue in early 2007.

This past year we achieved a hard-fought and even more significant legislative victory. In the spring of 2006, Maine passed first-in-the nation legislation to add homelessness to the categories of crime victims that may be considered as an aggravating factor in sentencing. This new law, titled "An Act to Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless," was signed by Governor John Baldacci at a public event held in the Preble Street soup kitchen. While other states have mandated police training on homelessness, Maine is the first to pass a law that directly impacts the sentencing of crimes committed against homeless people. This new law significantly improves protection for Maine's homeless people *now*. **It is also a critical step toward our long-term goal of having homelessness included as a fully protected category under Maine's Civil Rights Act (our state's hate crimes law).**

Our long-term organizing campaign to stop the hate violence has included a wide variety of actions in addition to legislation:

Presentations at local high schools and area colleges; statewide presentations to community organizations and social action groups; a large community march and press conference in Portland to oppose this violence, co-organized by Portland High School students; presentations and collection of information at homeless shelters around the state; collaboration with the Center for Prevention of Hate Violence at the University of Southern Maine; working with

homeless people and the police to improve communication and develop more victim-friendly reporting procedures, trying to break the “trust” barrier; a continuing successful effort to confront media stereotyping of the homeless community that encourages bias.

Early on in this campaign, we learned about the video series and web site called “Bumfights,” which has been cited as a source of inspiration for groups of youth to attack homeless people. In 2003 and 2004, we heard from local high school students and police about a group of youth calling themselves the “Bum Fighting Krew” (a name taken directly from these films), which may have been responsible for some of the Portland attacks at that time. We provided background information to *60 Minutes* and facilitated meetings between one of their producers and both homeless victims and high school students here in Portland, in preparation for the news program they aired about “Bumfights” in the fall of 2006. We persuaded Maine video store owners to remove the “Bumfights” films from their shelves. We also sent letters to prominent national retail chains who continued to sell the video on their websites - in some cases even after previous commitments to the National Coalition for the Homeless and other organizations that they would stop selling them. This effort has resulted in at least one positive response so far when Target Corporation committed to remove their website’s links to sales of this video and to improve efforts to “prevent such postings” by their online business partners.

Unfortunately, we continue to learn of other movies, video games, and messages in popular media which promote the actions and attitude represented in “Bumfights.” In March 2006, we staged a highly publicized protest at a local cinema which was screening the popular film, “Date Movie,” in which a couple yell “Bumfights!” and attack a homeless man for laughs. We organized in protest of a similar “joke” on a popular Maine radio station in June 2006, spurring a public outcry which led the station to apologize and to donate public service announcements (PSAs) and other air time (including on-air interviews with Homeless Voices for Justice leaders) to oppose anti-homeless hate violence. With input from HVJ, station programming staff produced PSAs about the importance of treating homeless people with dignity, and these have now been aired by several local stations owned by the same company (Citadel Broadcasting), reaching an estimated 60,000 listeners.

Our ultimate goal is to end homelessness, and we work on many ongoing initiatives to address the causes of homelessness and to expand housing opportunities. Meanwhile, it is important to recognize the frightening treatment of homeless people in our society and to work to make homeless people's day-to-day lives less dangerous.